

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JAN 27 2006

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GERSON NUNEZ,

Defendant - Appellant.

No. 05-30516

D.C. No. CR-99-00036-a-HRH
District of Alaska,
Anchorage

ORDER

RECEIVED

JAN 30 2006

CLERK, U.S. DISTRICT COURT
ANCHORAGE, ALASKA

Before: T.G. NELSON and SILVERMAN, Circuit Judges

Appellant's motion for leave to proceed in forma pauperis in this appeal is denied. Within 21 days from entry of this order, appellant shall pay \$255.00 to the district court as the docketing and filing fees and provide this court with proof of payment. Failure to comply with this order will result in the automatic dismissal of the appeal by the Clerk for failure to prosecute, regardless of further filings by appellant. *See* 9th Cir. R. 42-1. No motions for reconsideration, clarification or modification of this order shall be filed or entertained.

If appellant pays the fees as required, the court will consider appellant's response to the order to show cause with respect to summary affirmance of the

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judgment below. *See* Ninth Cir. R. 3-6. Briefing is suspended pending further order of the court. Appellant's motion for default judgment is denied.